

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MAINE

PORTLAND PILOTS, INC.

v.

M/V NOVA STAR  
her engines, tackle, equipment, appurtenances, etc.,  
*in rem*

2:15-CV-00442-DBH

Defendant

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WORLD FUEL SERVICES, INC.  
d/b/a TRANS-TEC

Intervening Plaintiff,

v.

M/V NOVA STAR  
her engines, tackle, equipment, appurtenances, etc.,  
*in rem*

and

NOVA STAR CRUISES, LTD.  
*in personam*,

Defendants

**VERIFIED CLAIM OF PORTLAND DEVELOPMENT CORPORATION**  
**PURSUANT TO FEDERAL RULE OF CIV. PROC. C(6)(a)**

Now comes the Portland Development Corporation (“PDC”), a Maine corporation and, pursuant to Fed. Rule of Civ. Proc. C(6)(a), makes this Verified Claim against the vessel *M/V Nova Star*, her engines, tackle, equipment, appurtenances:

- 1) On or about March 20, 2014, pursuant to a Loan Agreement and Promissory Note, PDC provided advances (hereinafter “Advances”) to the charterer of the *M/V Nova Star*, Nova Star Cruises, Ltd, a Canadian corporation, for the purpose of allowing the charterer on behalf of the vessel to make modifications and improvements to the berthing and customs facilities located at the *M/V Nova Star*’s berth at the City of Portland’s Ocean Gateway in Portland’s harbor, so as to allow the *M/V Nova Star* to be operated for ferry services between Portland, Maine and Yarmouth, Nova Scotia.
- 2) The charterer has used such Advances for modification and improvements as aforesaid, which allowed the *M/V Nova Star* to engage in the ferry services.
- 3) The charterer and the *M/V Nova Star* have failed to repay the Advances, and currently owe to PDC as of November 3, 2015 the sum of \$151,398.68, with interest accruing at the rate of \$20.72 per day from November 3, 2015, plus costs of collection and reasonable attorneys’ fees.
- 4) The Advances were to provide “necessaries” within the meaning of the Maritime Lien Act, 46 U.S.C. § 31342, and give rise to a maritime lien against the *M/V Nova Star*, which lien has priority over any foreign preferred ship mortgage under 46 U.S.C. § 31326(b)(2), and PDC claims a maritime lien against the *M/V Nova Star* in the amount of \$151,398.68, with interest of \$20.72 per day accruing after November 3, 2015, plus costs of collection and attorneys’ fees.

Portland Development Corporation

Dated: 11/9/2015

by /s/ Gregory Mitchell  
Its: Assistant Secretary

Verification

Personally appeared Gregory Mitchell, Assistant Secretary of the Portland Development Corporation, and before me gave oath that the facts set forth in the foregoing Verified Claim are accurate and correct.

Dated: 11/9/2015

/s/ Michael Goldman  
Attorney-at-law, Bar No. 9842  
Printed name: Michael Goldman

### **CERTIFICATE OF SERVICE**

I hereby certify that on the date indicated below I electronically filed the above Notice of Appearance and Request for Service with the Clerk of the Court using the CM/ECF system which will send notification of such filing to all parties listed on the electronic service list within the CM/ECF system. A copy of this filing, complete with this certificate of service was served by mail upon all parties with such service being complete on the date indicated below.

Dated at Portland, Maine this 9<sup>th</sup> day of November, 2015.

/s/ U. Charles Rimmel, II  
U. Charles Rimmel, II  
Attorney for the Portland  
Development Corporation  
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